



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD)No.1667 of 2015
and

M.P. (MD)No.1 of 2015

1.H.Mahaboob Hussain
2.H.Najimudeen
3.J.S.Jalaludeen
4.Mumtaj
5.Marhoob Bi
6.Hussain Bi
7.S.Naimunissa
8.S.Sadathunnissa Alias Anjum
9.Haleema Bi
10.Syed Ameer @ Batch : Petitioners

.. Vs ..

1.I.S.Babaji Kalanthar @ Nazar
2.I.S.Rasool Kalanthar
3.I.S.Rahman Kalanthar
4.I.R.Ithiris Kalanthar

5.Hazarath Natharvalli Dargah
represented by its Executive Trustee

6.M.Syed Gulam Rasool,
Hereditary Trustee,
hazarath Natharvalli Darga

7.I.Immamudeen
8.I.Gulam Mohideen : Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the impugned fair and decreetal order, dated 04.11.2013 and made in I.A.No.357 of 2013 in Wakf O.P.No.8 of 2013 on the file of the Wakf Tribunal (Principal Subordinate Court), Tiruchirapalli and to set aside the same.

For Petitioners	:Mr.B.Jameel Arasu
For R2	:Mr.M.Siddharthan
R3 and R4	:Dismissed
For R1, R5, R7 and R8	:No Appearance
For R6	:Mr.S.Vinayak.



ORDER

This Civil Revision Petition is directed against the order passed in I.A.No.357 of 2013 in W.O.P.No.8 of 2013 by the Wakf Tribunal (Principal Subordinate Court), Tiruchirapalli, dated 04.11.2013.

2.Heard the learned Counsel appearing for the petitioners, the learned Counsel for second respondent and the learned Counsel for the sixth respondent.

3.The revision petitioners are the petitioners in W.O.P.No.8 of 2013 on the file of the Wakf Tribunal (Principal Subordinate Court), Tiruchirapalli. The said petition was filed for a declaration that the petitioners are entitled to perform lighting service during Moharam period from 05.11.2013 and that they are entitled to 1/3 share of Honour and perquisites during the lighting service. The original petition is also for consequential relief of permanent injunction restraining the respondents from interfering with the rights of lighting service of the revision petitioners from the 05.11.2013.

4.During the pendency of the proceedings, the revision petitioners filed a petition for an interim injunction in I.A.No.357 of 2013 in W.O.P.No.8 of 2013 restraining the respondents from interfering with the petitioners' right to perform lighting service. The petitioners also filed another application in I.A.No.358 of 2013 in W.O.P.No.8 of 2013 for appointment of Receiver to perform the lighting service. The Tribunal dismissed the petition for interim injunction and another application filed for appointment of receiver to perform the lighting service. Aggrieved by the order passed in I.A.No.357 of 2013 in W.O.P.No.8 of 2013, the above revision petition is filed.

5.The petitioners have sought for interim reliefs even before establishing their absolute right or by showing the petitioners' previous right any time earlier. The trial Court has pointed out several reasons for dismissing the petition for interim injunction along with the other application filed for appointment of receiver. The fact that the petitioners are not doing the lighting service is evident from the other application filed by the same petitioners for appointment of Receiver. Having regard to the pleadings and the findings of the lower Court, this Court is unable to find any error or illegality in the order dismissing the petition for interim injunction.

6.As a result, this Civil Revision Petition is dismissed as devoid of merits. The order passed in I.A.No.357 of 2013 in W.O.P.No.8 of 2013 by the Wakf Tribunal (Principal Subordinate



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Court), Tiruchirapalli, dated 04.11.2013, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The Principal Subordinate Judge,
(Wakf Tribunal), Tiruchirapalli.

2.The Section Officer, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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VB (30.09.2020) 3P 4C